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# TROUTMAN SANDERS LLP

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October 1, 2004

## **Ex Parte**

### ***Filed Electronically***

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: ET Docket No. 04-37**

Dear Ms. Dortch:

On September 29<sup>th</sup>, Alan Shark, President, Power Line Communications Association (PLCA), Keith Brightfield, Project Manager – Strategic Projects, Ameren Energy Communications / Chairman, PLCA, Professor Constantine Hatziaodniu, Engineering professor at Southern Illinois University and technical consultant to Ameren Energy Communications, Walter Adams, Vice-President, ComTek, and I (the attendees), met with Barry Ohlson, Senior Legal Advisor for Commissioner Jonathan Adelstein and Sheryl Wilkerson, Legal Advisor for Chairman Michael Powell, to discuss the pending proceeding on Broadband over Powerlines (BPL), referenced above.

On September 30<sup>th</sup>, the attendees met with Paul Margie, Spectrum and International Legal Advisor for Commissioner Michael Copps, Jennifer Manner, Senior Counsel for Commissioner Kathleen Abernathy, and Sam Felder, Legal Advisor on Spectrum and International Issues for Commissioner Kevin Martin, to also discuss the above-referenced proceeding.

During the meetings, the attendees discussed PLCA's position stated in their prior filed comments. Discussed was how BPL adds intelligence to the electric distribution grid, how adaptive techniques are sufficient to prevent interference problems, and how the imposition of additional regulatory restrictions negatively impacts the BPL industry. The attendees at the meetings provided a handout of PLCA's position, a copy of which is attached.

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Consistent with Section 1.1203 of the Commission's rules, 47 C.F.R. § 1.1206, one copy of this notice is being filed electronically in the above-captioned proceeding. Please direct any questions concerning the above matter to the undersigned.

Sincerely,

/s/\_\_\_\_\_  
Raymond Kowalski

Attachments

cc: Sam Felder  
Jennifer Manner  
Paul Margie  
Barry Ohlson  
Sheryl Wilkerson



Broadband over Power Lines  
ET Docket No. 04-37

The Industry Position

- BPL adds intelligence to the electric distribution grid, enabling improvements in operation and administration of the grid. Such improvements can assist in averting, minimizing, or quickly recovering from power outages and blackouts.
- BPL does not transform the electric distribution grid into a giant radiating antenna.
- Technological adaptive techniques are sufficient to prevent localized interference problems.
- Administrative measures, including prior frequency coordination with existing licensees, are redundant and unnecessary. The cost burden to implement such measures does not outweigh any potential incremental benefit that might be achieved. Dispute resolution over contested deployments would be used as an anti-competitive tactic.
- Equipment authorization should remain Certification, not Verification.
- Equipment vendors should remain responsible for equipment authorization. Putting this responsibility on BPL system operators or host electric utilities who are not themselves providers, is contrary to the Part 15 regulatory concept and would significantly hamper deployment.
- The BPL industry can accept the existing regulatory framework, including emission limits and authorization requirements for low-power devices. Additional regulatory restrictions would frustrate the deployment of the third, facilities-based, broadband option for residences and businesses.